Interview Summary

A telephonic interview was conducted on March 16, 2007 between Examiner Klimach and Steven J. Munson, attorney for Assignee. Matters discussed included claims 34-42, which were added by the amendment filed on October 16, 2006 and which were not addressed in the Office Action referenced above. Examiner Klimach agreed that because those claims were not addressed in the Office action referenced above that it would not be appropriate for the next Office Action in the present application to be made final.

REMARKS

Assignee would like to note that claims 34-42 were added in the communication filed on October 16, 2006. However, in the above-identified Office Action the Examiner did not indicate that claims 34-42 were pending. In addition, the Examiner did not indicate a status of claims 34-42, or address the patentability of claims 34-42. Accordingly, Assignee respectfully requests that the Examiner provide a determination of the patentability of claims 34-42 in response to this submission. Assignee gratefully acknowledges the Examiner's agreement referenced above that the next Office Action in the present application will be a non-final Office Action so that Assignee will have a full opportunity to evaluate and respond to the Examiner's reasoning with regard to claims 34-42.

The above-referenced patent application has been reviewed in light of the Office Action referenced above. Claims 1-42 are currently pending. No claims are currently amended. Claims 1, 8 and 29 stand rejected under 35 USC § 103 over US Patent No. 6,044,469 of Horstmann (hereinafter Horstmann) in view of the article titled "Amino Communications" (hereinafter Amino), in further view of US Patent No. 6,157,721 of Shear et al. (hereinafter Shear). Claims 3-4, 9-10, 12-23, 25-28, and 31-33 stand rejected under 35 USC § 103 Horstmann, in view of Amino, in view of Shear and in further view of US Patent No. 5,991,399 of Graunke et al. (hereinafter Graunke). Claims 2, 11, 24, and 30 stand rejected under 35 USC § 103 over Horstmann, in view of Amino, in view of Shear, in further view of Graunke, and further in view of US Patent Publication No. 2003/0002447 of Jackson et al. (hereinafter Jackson). Claims 5-7 stand rejected under 35 USC § 103 over Horstmann, in view of Amino, in further view of Shear, and in further view of Jackson. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Assignee respectfully asserts that in making the above identified rejections the Examiner has engaged in hind-sight reconstruction, which the Federal Circuit has made clear is not appropriate. As stated in *Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 227, USPQ 543 (Fed. Cir 1985)*, "It is

error to reconstruct the patentees claimed invention from the prior art by using the patentee's claim as a 'blueprint'. When prior art references require selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight obtained from the invention itself." Here, the Examiner appears to have used Assignee's pending claims as a blueprint to combine the various documents going so far as to combine as many as four or five documents in an attempt to establish a prima facie case of unpatenablity of Assignee's claims. In light of this, Assignee respectfully asserts that the Examiner's rejections under 35 USC § 103, discussed more fully below, have been traversed and should be withdrawn.

With regard to the Examiner's response to Assignee's earlier arguments, Assignee respectfully disagrees with the Examiner's characterization of the cited documents and/or Assignee's claimed subject matter. For example, the Examiner asserts that Figure 5, of Horstman discloses or suggests a hierarchical structure. Specifically, the Examiner asserts that "[t]his is a hierarchical structure wherein the Protector module is the root and the BYO is one of the leaves. There is a plurality of modules because the system as shown on Fig. 5 can be added and therefore suggests more than one." Assignee respectfully asserts that it is clear, even under the Examiner's interpretation of the cited documents, that each and every element of Assignee's claimed subject is not taught by the cited documents either alone or in combination. In addition, the Examiner concedes that Horstmann does not teach a plurality of modules as recited by Assignee's claimed subject matter and Assignee respectfully asserts that the remaining cited documents do not cure this deficiency.

In addition, the Examiner continues to characterize "protector 103" of Horstmann as corresponding to a tamper resistant module, as recited by Assignee's claimed subject matter. Specifically the Examiner states that "applicant's element is tamper resistant because it protects the contents. The protection element of Fig. 5 performs the same function." Assignee respectfully does

not concede that the Examiner characterization of Assignee's "tamper resistant module" is correct. As stated during earlier prosecution, Assignee's tamper resistant module is not tamper resistant because it protects content. Instead, the "tamper resistant module" of Assignee's claimed subject matter is a tamper resistant module because the module itself is tamper resistant not because it protects content, as Asserted by the Examiner. Assignee respectfully asserts that Horstmann does not teach or suggest a tamper resistant module as that term is used in Assignee's claimed subject matter and that none of the other cited documents cure this deficiency.

With regard to the Examiner's rejection of claim 1, Assignee respectfully asserts that the Examiner has failed to establish a prima facie case of unpatentability under 35 USC § 103. In order to establish a prima facie rejection under Section 103, three requirements must be met. First, there must be some suggestion or motivation, either in the cited documents themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the document(s) or to combine document teachings. Second, there must be a reasonable expectation of success. Finally, the cited document(s) (or documents when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on assignee's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2142, 2143 - § 2143.03 for decisions pertinent to each of these criteria. It is respectfully asserted that these requirements are not met here.

More specifically, the Examiner has failed to establish a prima facie case of unpatentability because the cited documents do not teach each and every element of Assignee's claim 1. For Example, contrary to the Examiner's assertion, Horstmann does not teach "a tamper resistant digital content recovery module to recover protected digital contents of various types in an obfuscated manner;" or a "a plurality of plain text digital content rendering modules communicatively coupled with each other in a hierarchical manner forming a hierarchy of modules" as recited by Assignee claim 1. The Examiner incorrectly asserts that column 5, lines 2-30 of Horstmann teaches a "a tamper resistant

digital content recovery module," as recited by Assignee's claim 1. However, under the Examiner's own characterization of the cited document, the module in Horstmann is applying protection options selected by a publisher to content from that publisher. There is no mention in the cited portion of Horstmann that the protector module itself is tamper resistant.

In addition, Assignee respectfully contends that the Examiner is incorrect in the assertion that column 5, lines 54-59, of Horstmann teaches "a plurality of plain text digital content rendering modules communicatively coupled with each other in a hierarchical manner forming a hierarchy of modules," as recited by Assignee's claim 1. Assignee would like to respectfully note that the cited portion of Horstmann makes no mention of "a plurality of plain text digital content rendering modules" or "a hierarchy of modules." Instead, the cited portion of Horstmann states "Referring more particularly to FIG. 5, the Protector 103 with which the executable is injected is preferably a standard code module that does not vary from product to product. When the Protector 103 is run, it goes down a checklist, running code for each protection measure selected by the publisher." The cited portion of Horstmann only mentions a single module, "the Protector 103 ... is preferably a standard code module," as such Assignee respectfully asserts that Hosrtmann does not teach "a plurality of plain text digital content rendering modules communicatively coupled with each other in a hierarchical manner forming a hierarchy of modules" as recited by Assignee's claim 1.

The Examiner also refers to column 6, lines 10-21 of Horstmann as teaching "selective combinations of which to be selectively employed to render the recovered digital contents of corresponding types." Assignee respectfully asserts that the Examiner has again mischaracterized the teachings of Horstmann. The cited portion of Horstmann specifically states that "When an attempt is later made by a user to run the software product, the Protector runs and reads the license file, including the software publisher's selections (i.e., the software protection parameters). The Protector refers to the software protection parameters to determine whether a first predefined software protection option has been selected. If so, the Protector runs code implementing that software protection scheme

and then determines whether further options exist. If the first software protection option has not been selected, then the Protector checks directly for further options. If the next option is selected, then its code is executed, and so on." Assignee respectfully asserts that it is clear that the cited portions of Horstmann does not teach "a plurality of plain text digital content rendering modules communicatively coupled with each other in a hierarchical manner forming a hierarchy of modules, with selective combinations of the plain text digital content rendering modules to be selectively employed to render the recovered digital contents of the various types, including one of the plain text digital content rendering modules occupying a root position of the hierarchy to exclusively receive all types of the recovered digital contents to be rendered, from the tamper resistant digital content recovery module" as recited by Assignee's claim 1.

In addition, the Examiner has conceded that Horstmann does not disclose " including one of the plain text digital content rendering modules occupying a root position of the hierarchy to exclusively receive all types of the recovered digital contents to be rendered" and nothing in Amino cures this deficiency. Specifically, in discussing claim 2, the Examiner states that "Although Horstmann discloses a content rendering module, Horstmann and Guranke do not disclose a root module." Accordingly, Assignee respectfully asserts that the rejection of claim 1 on this ground should be withdrawn because the Examiner has conceded that the cited documents do not teach or suggest each and every element of Assignee's claim 1.

Furthermore, even if the combination of cited documents was appropriate, which, as discussed more fully below, Assignee does not concede, the remaining cited documents do not cure the above referenced deficiency in the teaching of Horstmann. For at least these reasons, Assignee respectfully asserts that the Examiner's rejection of claim 1 has been traversed and respectfully requests that the rejection be withdrawn.

The Examiner, in response to Assignee's earlier arguments, asserts that "the Protection module of Horstmann is a tamper resistant module by calculating a checksum or cryptographic fingerprint." (citations omitted). Assignee respectfully disagrees with the Examiner's characterization of the cited portion of Hosrtmann. Specifically, the cited portion of Horstmann states "[w]henever the software product is used, the Protector 103 calculates the checksum (or cryptographic fingerprint) of the original license file. If the checksums are different, use is disallowed." The Examiner has asserted that Protector 103 teaches "a tamper resistant digital content recovery module to recover protected digital contents of various types in an obfuscated manner," as recited in Assignee's claim 1. Assignee respectfully asserts that the cited portion does not teach or suggest a "tamper resistant digital content recovery module" as that term is used in Assignee's claim 1 because Horstmann does not teach or suggest that Protector 103 is itself a tamper resistant module. In light of this, Assignee respectfully asserts that the Examiner has failed to Establish a prima facie case of unpatentability under 35 USC § 103 because the cited documents, alone or in combination, do not teach or suggest the above-cited portion of Assignee's claim 1. Therefore, Assignee respectfully requests that this ground for rejection be withdrawn.

With regard to claim 2, Assignee respectfully asserts that the cited documents, alone or in combination, do not teach or suggest an apparatus "wherein the tamper resistant digital content recovery module is equipped to verify the plain text digital content rendering module occupying the root position of the hierarchy as not having been compromised, and to provide recovered digital content to the plain text digital content rendering module occupying the root position of the hierarchy, only upon having verified the plain text digital content rendering module occupying the root position of the hierarchy as not having been compromised," as recited by Assignee's claim 2. For example, the Examiner asserts that Gruanke teaches a system that "determines in the system is a trust worthy player (software) before providing the user with the key and therefore access to digital content. In the case that the player is compromised the player does not have the ability to perform the cryptographic operation." (citations omitted).

The Examiner concedes that Horstman and Gruanke do not disclose a root module. However, the Examiner now asserts that Jackson teaches "an apparatus and methods that approximately solve an actuation allocation problem by breaking the solution into modules (abstract). The root in the system of Jackson includes parts 135 and 101 on Figure 1." However, the cited portion of Jackson does not teach an apparatus wherein a "content recovery module is equipped to verify the plain text digital content rendering module occupying the root position of the hierarchy as not having been compromised," and neither do Horstmann, Amino, or Graunke. In light of this it is respectfully asserted that this ground of rejection has been traversed. Therefore, Assignee respectfully requests that this rejection be withdrawn.

In addition, Assignee again asserts that the Examiner appears to have engaged in hind-sight reconstruction, which the Federal Circuit has made clear is not appropriate. Here, the Examiner appears to have used Assignee's pending claims as a blueprint to combine the various documents going so far as to combine as many as four or five documents to attempt to establish a prima facie case of unpatenablity of Assignee's claims. The Examiner's offers various motivations for the cited combinations but the motivations cited do not look at Assignee's claimed subject matter as a whole, as required by 35 USC § 103. Instead the Examiner looks at individual pieces of Assignee's subject matter and asserts that one of ordinary skill would have been motivated to combine this piece of Horstmann with this piece of Amino with this piece of Gruanke and finally with this piece of Jackson. There is simply no explanation for why one of ordinary skill in the art would have been motivated to combine isolated pieces of a first document titled "Software publisher or distributor configurable software security mechanism" with a second document that is a news article relating to an Amino Communications product, with a third document titled "Method for securely distributing a conditional use private key to a trusted entity on a remote system," with a fourth document titled "Distributed actuation allocation for large assemblies of implementation units." Nor is there any suggestion that the combination of pieces from each of those four sources would work as required in order to establish a

prima facie case of obviousness. Absent a suggestion or motivation to combine the cited documents and absent a reasonable expectation that the combination proposed by the Examiner would work as asserted by the Examiner, Assignee respectfully requests that this ground for rejection be withdrawn.

With regard to claim 5, Assignee respectfully asserts that the documents cited by the Examiner, alone or in combination do not teach or suggest an apparatus "wherein the hierarchy of modules includes a module occupying a non-leaf position in the hierarchy and a module occupying an immediate downstream position in the hierarchy from the non-leaf plain text digital content rendering module, and the non-leaf module is equipped to verify the immediate downstream module as not having been compromised," as recited by Assignee's claim 5. The Examiner concedes that Horstmann in view of Amino fails to teach this portion of Assignee's claimed subject matter. Furthermore, the portion of Shear cited by the Examiner states that "A hierarchy of assurance levels may be provided for different protected processing environment security levels," but Shear makes no mention of a hierarchy of modules as recited by Assignee's claim 5. Furthermore, the cited portion of Shear does not teach or suggest "the non-leaf module is equipped to verify the immediate downstream module as not having been compromised." In addition, the Examiner concedes that Horstmann in view of Amino in further view of Shear fails to teach this portion of Assignee's claimed subject matter. However, the Examiner asserts that Jackson cures this admitted deficiency. Specifically, the Examiner asserts that Jackson "discloses the controller that is the root and therefore a non-leaf module receives the current status information." Assignee respectfully asserts that based on the Examiner's own characterization of the teachings of Jackson that Jackson does not cure the admitted deficiency in the teaching of the cited documents. Furthermore, the cited portion of Jackson does not teach anything relating to a "non-leaf module [that] is equipped to verify the immediate downstream module as not having been compromised." Assignee respectfully asserts that receiving "current status information" as described by the Examiner does not teach or suggest verifying "the immediate downstream module as not having been compromised," as recited by Assignee's claim 5. In light of this, it is respectfully asserted that the Examiner has failed to establish a prima facie case of unpatentablity under 35 USC § 103 because the

cited document, alone or in combination do not teach every element of Assignee's claim 5. Therefore, Assignee respectfully requests that this ground for rejection be withdrawn.

Again, Assignee respectfully asserts that the Examiner appears to have engaged in hind-sight reconstruction, which the Federal Circuit has made clear is not appropriate. Here, the Examiner appears to have used Assignee's pending claims as a blueprint to combine the various documents going so far as to combine as many as four or five documents to attempt to establish a prima facie case of unpatenablity of Assignee's claims. The Examiner's offers various motivations for the cited combinations but the motivations cited do not look at Assignee's claimed subject matter as a whole, as required by 35 USC § 103. Instead the Examiner looks at individual pieces of Assignee's subject matter and asserts that one of ordinary skill would have been motivated to combine this piece of Horstmann with this piece of Amino with this piece of Shear and finally with this piece of Jackson. There is simply no explanation for why one of ordinary skill in the art would have been motivated to combine isolated pieces of a first document titled "Software publisher or distributor configurable software security mechanism" with a second document that is a news article relating to an Amino Communications product, with a third document titled "Systems and methods using cryptography to protect secure computing environments," with a fifth document titled "Distributed actuation allocation for large assemblies of implementation units." Nor is there any suggestion that the combination of pieces from each of those four sources would work as required in order to establish a prima facie case of obviousness. Absent a suggestion or motivation to combine the cited documents and absent a reasonable expectation that the combination proposed by the Examiner would work as asserted by the Examiner, Assignee respectfully requests that this ground for rejection be withdrawn.

With regard to claim 6, Assignee respectfully asserts that the portion of Shear cited by the Examiner does not teach or suggest an apparatus "wherein the non-leaf modules is equipped to verify the immediate downstream module as not having been compromised, at least during initialization," as recited by Assignee's claim 6. For example, the portion of Shear cited by the Examiner states

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"Appliances assigned to a particular assurance levels can protect themselves from executing load modules or other executables associated with different assurance levels." Shear makes no mention of a module verifying "the immediate downstream module as not having been compromised, at least during initialization," as recited by Assignee's claim 6. The Examiner even admits that Horstmann in view of Amino in further view of Shear does not teach or suggest every elements of Assignee's claim 6. For example, the Examiner states that the cited documents "do not disclose the non-leaf module is equipped to verify the immediate downstream module as not having been compromised. Wherein a compromised downstream module is status information." Assignee would like to note that nowhere in Assignee's claimed subject matter is a compromised downstream module identified as status information. Claim 6 as presented includes no such limitation. If the Examiner has construed Assignee's claim 6 as requiring that "a required downstream module is status information" Assignee respectfully asserts that the Examiner has misconstrued Assignee's claimed subject matter.

Returning to the merits of the Examiner's rejection of claim 6, the Examiner asserts that Jackson cures the admitted deficiency in the teachings of Horstmann, Amino, and Shear. Specifically, the Examiner states that "Jackson discloses the controller that is the root and therefore a non-leaf module received the stats information (page 3, paragraph 0045). Assignee respectfully asserts that the cited portion of Jackson does not teach or suggest "wherein the non-leaf modules is equipped to verify the immediate downstream module as not having been compromised, at least during initialization," as recited by Assignee's claim 6. Again, Assignee respectfully asserts that receiving "current status information" as described by the Examiner does not teach or suggest verifying "the immediate downstream module as not having been compromised," as recited by Assignee's claim 6. In light of this, it is respectfully asserted that the Examiner has failed to establish a prima facie case of unpatentablity under 35 USC § 103 because the cited document, alone or in combination do not teach every element of Assignee's claim 6. Therefore, Assignee respectfully requests that this ground for rejection be withdrawn.

Again, Assignee respectfully asserts that the Examiner appears to have engaged in hind-sight reconstruction, which the Federal Circuit has made clear is not appropriate. Here, the Examiner appears to have used Assignee's pending claims as a blueprint to combine the various documents going so far as to combine as many as four or five documents to attempt to establish a prima facie case of unpatenablity of Assignee's claimed subject matter. The Examiner's offers various motivations for the cited combinations but the motivations cited do not look at Assignee's claimed subject matter as a whole, as required by 35 USC § 103. Instead, the Examiner looks at individual pieces of Assignee's subject matter and asserts that one of ordinary skill would have been motivated to combine this piece of Horstmann with this piece of Amino with this piece of Shear and finally with this piece of Jackson. There is simply no explanation for why one of ordinary skill in the art would have been motivated to combine isolated pieces of a first document titled "Software publisher or distributor configurable software security mechanism" with a second document that is a news article relating to an Amino Communications product, with a third document titled "Systems and methods using cryptography to protect secure computing environments," with a fifth document titled "Distributed actuation allocation for large assemblies of implementation units." Nor is there any suggestion that the combination of pieces from each of those four sources would work as required in order to establish a prima facie case of obviousness. Absent a suggestion or motivation to combine the cited documents and absent a reasonable expectation that the combination proposed by the Examiner would work as asserted by the Examiner Assignee respectfully requests that this ground for rejection be withdrawn.

With regard to claim 7, Assignee respectfully asserts that the cited documents, alone or in combination, do not teach or suggest an apparatus "wherein the non-leaf modules is equipped to further verify the immediate downstream module remains un-compromised before each transfer of recovered digital content to the immediate downstream module," as recited by Assignee's claim 7. The Examiner admits that Horstmann in view of Amino in view of Shear fails to teach this element. Again the Examiner tries to cure this deficiency by relying on Jackson. Again, the cited portion of Jackson does not teach anything relating to "wherein the non-leaf modules is equipped to further verify the

immediate downstream module remains un-compromised before each transfer of recovered digital content to the immediate downstream module," as recited by Assignee's claim 7. More specifically, even assuming for the sake of argument that Jackson teaches what the Examiner claims, a point on which Assignee makes no concessions, it is clear that a software module that "receives information" in no way teaches or suggests an apparatus "wherein the non-leaf modules is equipped to further verify the immediate downstream module remains un-compromised before each transfer of recovered digital content to the immediate downstream module." In light of this, Assignee respectfully requests that this ground for rejection be withdrawn.

Again, Assignee respectfully asserts that the Examiner appears to have engaged in hind-sight reconstruction, which the Federal Circuit has made clear is not appropriate. Here, the Examiner appears to have used Assignee's pending claims as a blueprint to combine the various documents going so far as to combine as many as four or five documents to attempt to establish a prima facie case of unpatenablity of Assignee's claims. The Examiner's offers various motivations for the cited combinations but the motivations cited do not look at Assignee's claimed subject matter as a whole, as required by 35 USC § 103. Instead the Examiner looks at individual pieces of Assignee's subject matter and asserts that one of ordinary skill would have been motivated to combine this piece of Horstmann with this piece of Amino with this piece of Shear and finally with this piece of Jackson. There is simply no explanation for why one of ordinary skill in the art would have been motivated to combine isolated pieces of a first document titled "Software publisher or distributor configurable software security mechanism" with a second document that is a news article relating to an Amino Communications product, with a third document titled "Systems and methods using cryptography to protect secure computing environments," with a fifth document titled "Distributed actuation allocation for large assemblies of implementation units." Nor is there any suggestion that the combination of pieces from each of those four sources would work as required in order to establish a prima facie case of obviousness. Absent a suggestion or motivation to combine the cited documents and absent a

reasonable expectation that the combination proposed by the Examiner would work as asserted by the Examiner Assignee respectfully requests that this ground for rejection be withdrawn.

With regard to claim 11, the cited documents, alone or in combination, do not teach or suggest an apparatus "wherein a first subset of the plain text digital content rendering modules are member modules of a first application domain, and a second subset of the plain text digital content rendering modules are member modules of a second application domain," as recited by Assignee's claim 11. Specifically, the Examiner does not cite to any document teaching the recited portion of Assignee's claim 11. The Examiner asserts that "Horstmann discloses different methods of securing the data (column 6. lines 1-5). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in that art to also render modules are member modules of a second application domain." Assuming, though it should be noted that Assignee does not concede this point, that the Examiner has correctly characterized the teaching of Horstmann, it is clear that the cited portion of Horstmann does not teach or suggest an apparatus "wherein a first subset of the plain text digital content rendering modules are member modules of a first application domain, and a second subset of the plain text digital content rendering modules are member modules of a second application domain," as recited by Assignee's claim 11, because different methods of securing the data does teach or suggest anything relating application domains. Absent any teaching or suggestion in the cited documents or knowledge of one skilled in the art, it is respectfully asserted that the Examiner has failed to establish a prima facie case of unpatentability under 35 USC § 103 with respect to Assignee's claim 11. Therefore, Assignee respectfully requests that the Examiner withdraw this rejection.

Additionally, contrary to the Examiner's asserted position, there is no motivation found in any of the cited documents to combine reference teachings. The Examiner merely asserts that one of ordinary skill would have found the respective combinations obvious without citing a motivation in the cited documents or knowledge of one skilled in the relevant art as motivation for the respective combinations. For example, with regard to the combination of Horstmann and Amino, the Examiner

asserts without citing to any support that "one of ordinary skill would have been motivated to do this because combining proven techniques minimizes the risk to content dynamically without compromising performance." Assignee respectfully asserts that this is insufficient to establish a motivation to combine the cited documents. For further example, with regard to the combination of Horstmann, in view of Amino, in further view of Shear, The Examiner states that "one of ordinary skill in the art would have been motivated to do this because defective, bogus and unauthorized computer information can wreak havoc within an electronic system" and cites to a portion of shear to support this position. However, it is unclear based on the cited portion of Shear what the motivation to combine the Shear's asserted teaching relating to set top boxes and home media players with Hosrtmann's asserted teaching relating to a software security mechanism, and Amino's asserted teaching relating to digital rights protection. In light of this, it is respectfully asserted that the examiner has failed to establish a proper motivation to combine the asserted teaching of the cited documents.

In addition, Assignee respectively asserts that previously presented claims 33-42 likewise patentably distinguish from the documents cited by the Examiner for reasons similar and/or the same as those presented above.

For at least the reasons above, Assignee respectfully submits that claims 1-42 are allowable and requests that the Examiner permit these claims to proceed to issuance. Although additional arguments are believed to exist for distinguishing the cited documents, the foregoing is believed sufficient to address the Examiner's rejections. Likewise, failure of the Assignee to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner's position. Instead it is believed that the Examiner's positions are rendered moot by the foregoing and, therefore, it is believed not necessary to respond to every position taken by the Examiner with which Assignee does not agree.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Consideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.
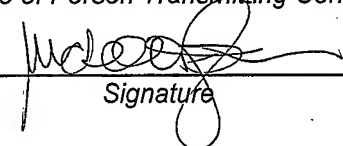
Respectfully submitted,

Dated: _3 -19-07_

Steven J Munson
Reg. No. 47,812

Berkeley Law and Technology Group, LLP
1700 NW 167th Place, Suite 240
Beaverton, OR 97006
Customer No. 000060380

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